

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. CR 11-2972 BB**

**MARTINIANO MARIN-ROBLES,**

**Defendant.**

**PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court on the United States' Motion for Order to Show Cause and Forfeiture of Appearance Bond (*doc. 248*), in which Plaintiff moves the Court for a Judgment of Forfeiture of the \$25,000.00 bond executed by the defendant, third party custodian Isidra Marin, and surety Alice R. Cervantez. The Court having held a hearing, having heard from all the parties, and being fully advised in the premises, recommends that the Motion be GRANTED.

**BACKGROUND**

Defendant Martiniano Marin-Robles was charged on November 29, 2011 in count one of a two count Indictment with conspiring with others to possess with intent to distribute a large quantity of methamphetamine, in violation of 21 U.S.C. § 846. The defendant was subsequently arrested and appeared before this Court for an Arraignment/Detention hearing on December 2, 2011. At said hearing, I granted the defendant Conditions of Release which included posting a \$25,000.00 secured bond (to

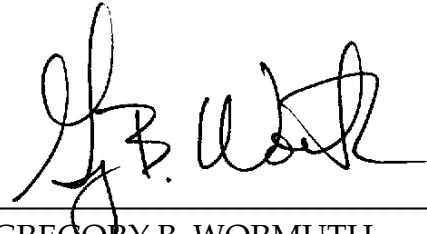
be cosigned by the third party custodian, Isidra Marin), Pretrial Services supervision, and travel restrictions including no travel to Mexico, along with other requirements as set out in the Order Setting Conditions of Release (doc. 162) filed on December 14, 2012.

On January 13, 2012, a Petition for Action of Conditions of Release was filed by the U.S. Pretrial Services Office requesting a warrant be issued for the defendant's arrest as it appeared he had absconded. That request was granted in an Order filed the same day, and an arrest warrant was issued.

At the hearing on the Motion held on April 10, 2012, Mr. Felipe Millan stood in for Defendant's counsel, Ken Del Valle, but Defendant failed to appear. Defense counsel presented no excuse for Defendant's failure to appear nor for Defendant's apparent violation of conditions of release, and admitted that the defendant was, in fact, a fugitive. Furthermore, the third-party custodian, Isidra Marin, nor the surety, Alice Cervantez, were present at said hearing to provide any information about the defendant's whereabouts, or to show cause why the bond should not be forfeited.

**IT IS THEREFORE RECOMMENDED** that Judgment be entered against the defendant, Martiniano Marin-Robles, the third party custodian, Isidra Marin, and the surety, Alice R. Cervantez, in the principal amount of \$25,000.00 plus interest at the legal rate compounded annually and computed daily until paid, and all other costs as allowed by law.

**THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE** of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1)(c). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed no appellate review will be allowed.**

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH  
United States Magistrate Judge